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Of Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
AT PORTLAND

RICHARD KUYAT,

PLAINTIFF,

v.

APPLIED MATERIALS, INC.,

DEFENDANT.

Case No. 03-CV-1366-HA

DEFENDANT'S MOTION TO DISMISS

ORAL ARGUMENT REQUESTED

Pursuant to Federal Rule of Civil Procedure 12(b)(6), defendant Applied Materials, Inc. respectfully moves the Court for an Order dismissing plaintiff's first and second claims for relief for failure to state a claim. This Motion is supported by the Memorandum of Law filed herewith.

Pursuant to Local Rule 7.1(a), counsel for defendant certifies that the parties have conferred in good faith through telephone communication concerning the subject of this Motion, but

have been unable to resolve their dispute.

DATED this 10th day of October, 2003.

DAVIS WRIGHT TREMAINE LLP

By 151 Carol J. Bernick
CAROL J. BERNICK, OSB #89409
KATHLEEN R. DENT, OSB #96500
(503) 241-2300
Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DEFENDANT'S MOTION**
TO DISMISS on:

Richard Kuyat
17239 NW Ivybridge Street
Portland, OR 97229
Telephone 530/531-8723

Plaintiff Pro Se

☒ by mailing a copy thereof in a sealed, first-class postage prepaid envelope,
addressed to said attorney's last-known address and deposited in the U.S. mail at Portland,
Oregon on the date set forth below;

☐ by causing a copy thereof to be hand-delivered to said attorney on the date set
forth below;

☐ by sending a copy thereof via overnight courier in a sealed, prepaid envelope,
addressed to said attorney's last-known address on the date set forth below; or

☐ by faxing a copy thereof to said attorney at his/her last-known facsimile
number on the date set forth below.

Dated this ____ day of October, 2003.

DAVIS WRIGHT TREMAINE LLP

By: /s/ Carol J. Bernick
CAROL J. BERNICK, OSB #89409
Of Attorneys for Defendant